IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.3079 OF 2005**

Kanhaiya Sudam Padavi ..Petitioner

Vs.

Indian Airlines Limited & Ors..Respondents

Mr. Mihir Desai for the petitioner.
Mr. S.M. Dixit with Sandeep Dasgupta i/b. Chhaya Shah for respondent Nos. 1 and 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 7TH NOVEMBER,2006

P.C.

. By the preset petition what the petitioner has challenged was his non-selection to the promotional post. According to the respondents the post was not promotional but by way of direct recruitment. The petitioner applied and was considered. In the order of merit other candidates were selected and not the present petitioner. On behalf of the respondents they have produced before us the mark sheet. We have perused the same. Considering the above in our opinion there is no merit in this petition.

2. It is, however,the contention of the petitioner that the selection procedure which prescribed 50% for viva voce is arbitrary being

violative of Article 14 and 16 of the Constitution. There are no such averment in the present petition. If the petitioner proposes to challenge the policy of selection of direct recruitment and/or by promotion it is for him to challenge the same independently and disposal of this petition will not stand in his way.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).